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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,892	01/15/2004	Paul Giegerich	9249-51U1	4744

570 7590 10/01/2004

AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103-7013

EXAMINER

MENDIRATTA, VISHU K

ART UNIT	PAPER NUMBER
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3712

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/757,892	Applicant(s) GIEGERICH, PAUL	
	Examiner Vishu K Mendiratta	Art Unit 3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 10-18, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 5, 8, 9 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,6,7,10 rejected under 35 U.S.C. 102(b) as being anticipated by Feniello (4967925).

Feniello teaches a collapsible table having a frame having frame members (25), a panel (21) with a game patterns on front and back (3:57-59), the frame members having three joints (29,30,31), protruding pins (36) and grommets in board (37).

3. Claims 1,6,7,10 rejected under 35 U.S.C. 102(b) as being anticipated by Chen (4015778).

Chen teaches a collapsible table having a frame having frame members (C), a panel (31) with a game patterns on front and back (5:30-34), the frame members having three joints (Fig.6), protruding pins and grommets in board (32,27).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 2-4 rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of O'Hara (GB 2254565A).

Chen teaches all limitations except that it does not teach using a flexible material for the game board. O'Hara teaches a collapsible table with a flexible game board (abstract).

It is well known that a game requiring less storage space is likely to be more popular. In order to make the game popular, it would have been obvious to use flexible game surfaces. One of ordinary skill in art at the time the invention was made would have suggested using flexible game surfaces such as fabric materials to make the game requiring further less storing space and make the game popular.

Applicant may note that Chen teaches two boards at the first end of table frame (E, F) as in applicant's claim 4.

6. Claims 11-18, 20-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Sirk (5280913).

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Sirk teaches a sleeve foldable (26) with three sides fixedly closed and an open side (31) for panel inserts (34) to be releasably placed. Sirk teaches all limitations except that it does not expressly demonstrate a closure along the mouth portion of the sleeve.

It is obvious that no one wants game pieces to fall out of the sleeve and would be obvious to provide a closure to avoid game pieces to fall off. One of ordinary skill in art at the time the invention was made would have suggested using a closure for protection.

With regards to placing game indicia on all sides would be a matter of aesthetics and in order to make the game attractive it would have been obvious to place game indicia on all sides of the sleeve.

With regards to claims 14,15,17,18 the pocket shape embodiment taught by Sirk is capable of being used for placing any article including magnetic pieces. One of ordinary skill in art would have used the pocket configuration to store all required game pieces.

Allowable Subject Matter

7. Claims 5,8,9,19 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K Mendiratta whose telephone number is (703) 306-5695. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vishu K Mendiratta
Primary Examiner
Art Unit 3712

VKM
September 29, 2004

A handwritten signature in black ink, appearing to be 'VKM' with a stylized flourish extending to the right.